

Senate Bill No. 1775

Passed the Senate April 29, 2004

Secretary of the Senate

Passed the Assembly August 9, 2004

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 4450 and 4454 of the Government Code, relating to disability access, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1775, Ortiz. Public buildings: disability access.

(1) Existing law, with respect to public buildings and structures, requires the State Architect to develop and submit to the California Building Standards Commission for approval and adoption, regulations and building standards relating to access for persons with disabilities that are consistent with the standards for buildings and structures contained in pertinent provisions of the latest edition of the Uniform Building Code, as adopted by the International Conference of Building Officials.

This bill instead would require the regulations and building standards developed and submitted by the State Architect to be consistent with the standards for buildings and structures contained in pertinent provisions of the latest edition of the selected model code, as adopted by the California Building Standards Commission.

(2) Existing law establishes the Disability Access Account, funded by specified fees, and continuously appropriates funds in the account to the Department of General Services for expenditures in carrying out certain responsibilities with respect to standards for access to public buildings by persons with disabilities. The authority to expend funds from the account for this purpose terminates on December 31, 2004.

This bill would delete the provisions terminating the authority to expend funds from the account for these purposes. By reauthorizing the expenditure of funds from the account, this bill would make an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 4450 of the Government Code is amended to read:



4450. (a) It is the purpose of this chapter to ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities.

(b) The State Architect shall develop and submit proposed building standards to the California Building Standards Commission for approval and adoption pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of the Health and Safety Code and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. The regulations and building standards relating to access for persons with disabilities shall be consistent with the standards for buildings and structures that are contained in pertinent provisions of the latest edition of the selected model code, as adopted by the California Building Standards Commission, and these regulations and building standards shall contain additional requirements relating to buildings, structures, sidewalks, curbs, and other related facilities the State Architect determines are necessary to assure access and usability for persons with disabilities. In developing and revising these additional requirements, the State Architect shall consult with the Department of Rehabilitation, the League of California Cities, the California State Association of Counties, and at least one private organization representing and comprised of persons with disabilities.

(c) In no case shall the State Architect's regulations and building standards prescribe a lesser standard of accessibility or usability than provided by the Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336).

SEC. 2. Section 4454 of the Government Code is amended to read:

4454. (a) Where state funds are utilized for any building or facility subject to this chapter, or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of elementary school, secondary school, or community college buildings and facilities subject to this chapter, no contract shall be awarded until the Department of General



Services has issued written approval stating that the plans and specifications comply with the intent of this chapter.

(b) In each case the application for approval shall be accompanied by the plans and full, complete, and accurate specifications, which shall comply in every respect with any and all requirements prescribed by the Department of General Services.

(c) The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services. All fees shall be deposited into the Access for Handicapped Account, which is hereby renamed the Disability Access Account as of July 1, 2001, and established in the General Fund. Notwithstanding Section 13340, the account is continuously appropriated for expenditures for the use of the Department of General Services, in carrying out the department's responsibilities under this chapter.

(d) The Department of General Services shall consult with the Department of Rehabilitation in identifying the requirements necessary to comply with this chapter.

(e) The Department of General Services, Division of the State Architect, shall include the cost of carrying out the responsibilities identified in this chapter as part of the plan review costs in determining fees.



Approved _____, 2004

Governor

